

which applicant regards as the invention, while dependent claims 2-26, 28-31 and 33 (both instances) -34 stand rejected since they depend from the rejected base claims. Specifically, the Examiner objected to the phrase "configured for sealing placement in said perimeter" on the grounds that the claim does not have sufficient structure for this function.

Applicant has amended claims 1, 27 and 32 to bring said claims to avoid the rejection and to define the claimed subject matter with greater precision. In particular, Applicant has deleted the term "configured" and replaced it with structural recitations. Applicant has also cancelled claim 35 (which is mistakenly referred to as claim 34 on page 41, line 4). Finally, Applicant has added new claim 36, which is believed to be in compliance with the definiteness requirement. In light of the foregoing, Applicant respectfully requests that all pending claims be allowed.

IN THE SPECIFICATION

Applicant enters minor corrections to the specification in the form of replacement paragraphs, marked up copies of which are attached as separate pages. No new matter is involved.

IN THE DRAWINGS

Applicant makes minor corrections to FIGS. 2, 3, 7, 9, 10, 12, 13 and 14. Copies showing the corrections in red are attached. No new matter is involved.

CONCLUSION

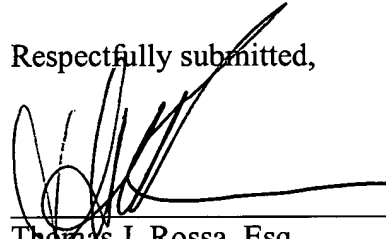
Claims 1-35 stand rejected for failing to comply with 35 U.S.C. § 112, second paragraph. Applicant has supplied minor corrections to the specification and drawings and has provided amendments to the claims to place the same in condition for allowance. Applicant has also cancelled claim 35 and added new claim 36.

Applicant asserts that all pending claims are in condition for allowance. Early action and allowance is respectfully requested.

Please charge any fees not accompanying this communication that may be required to deposit account 08-2665.

If there are questions, the Examiner can reach Applicants' counsel at (801) 521-5800 or by e-mail at rossat@HRO.com.

Respectfully submitted,



Dated this 24th day of December, 2001.

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Enclosures: FIGS. 2, 3, 7, 9, 10, 12, 13 and 14

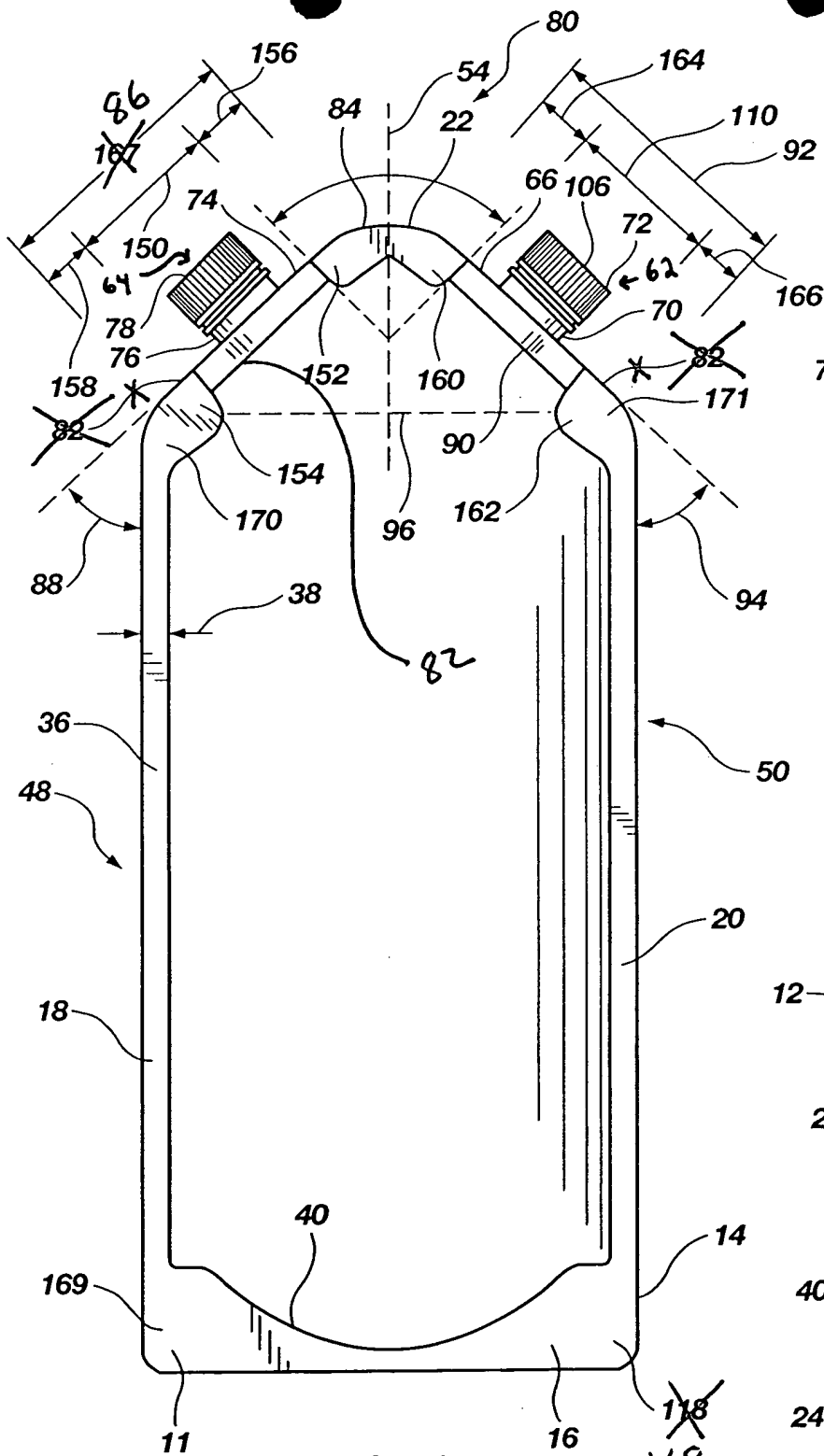


Fig. 2

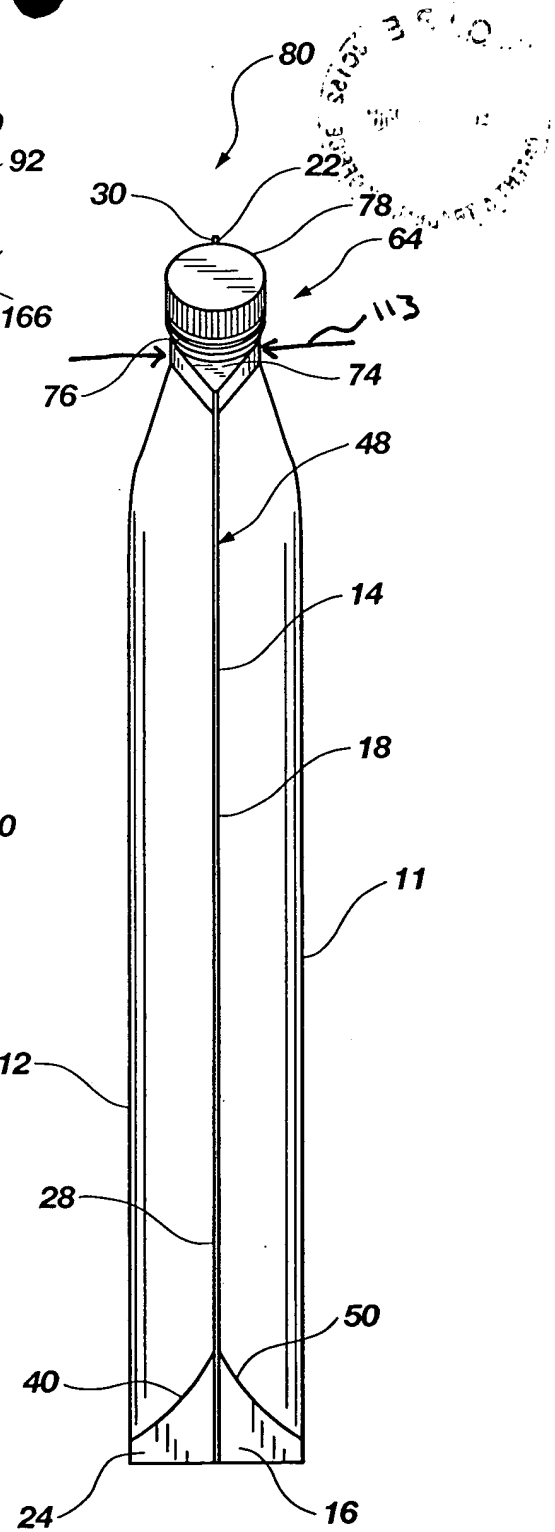


Fig. 3

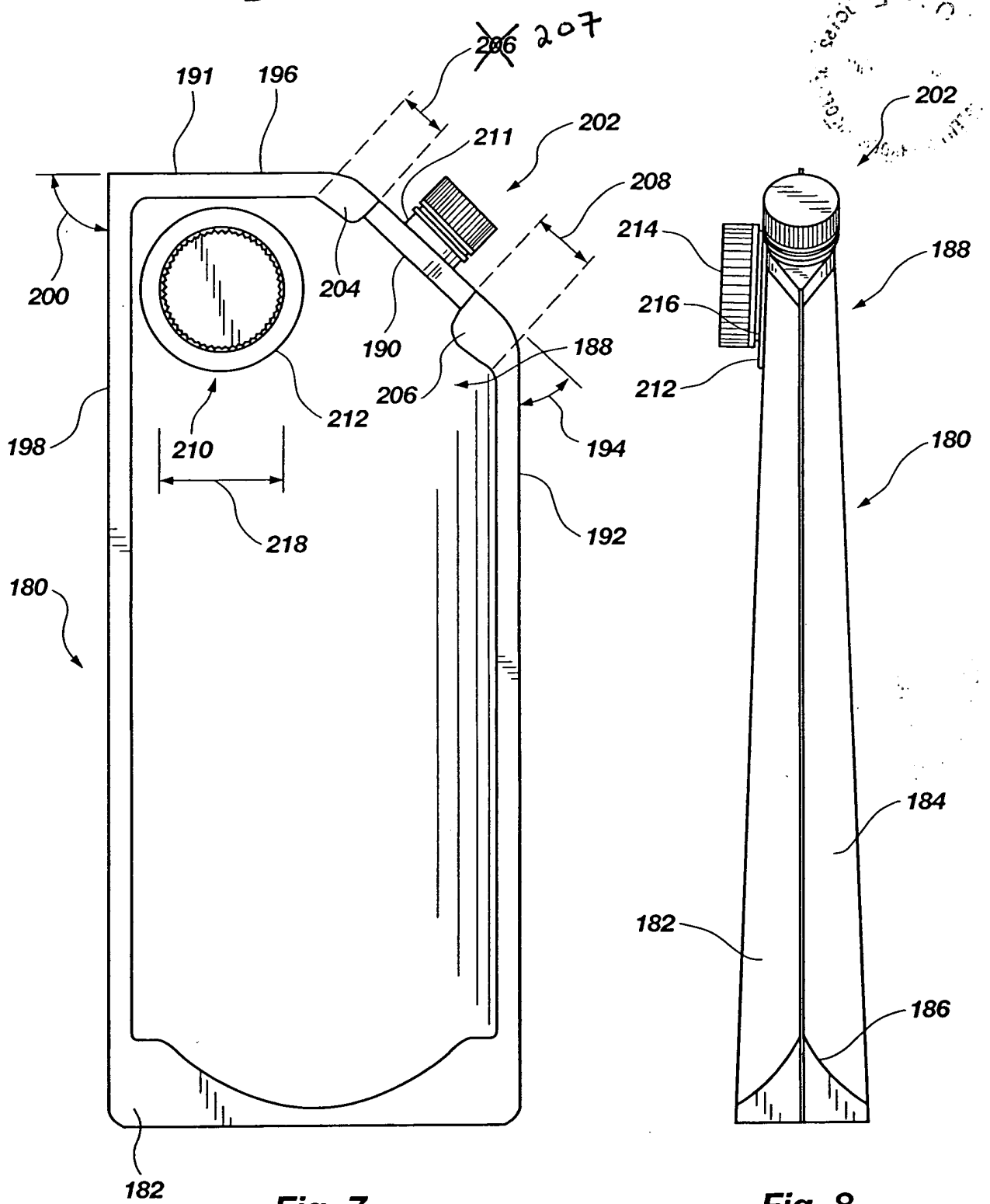


Fig. 7

Fig. 8

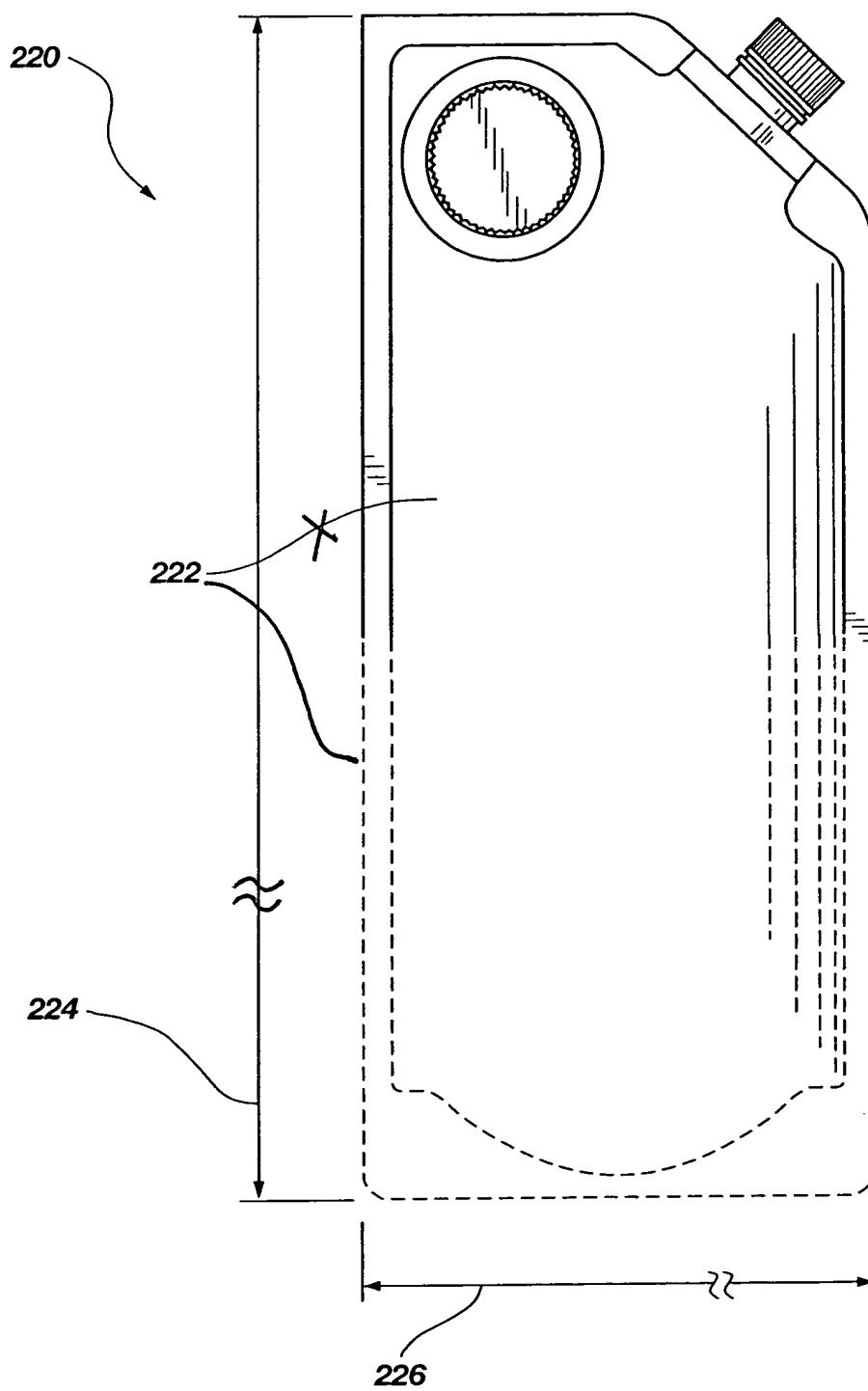


Fig. 9

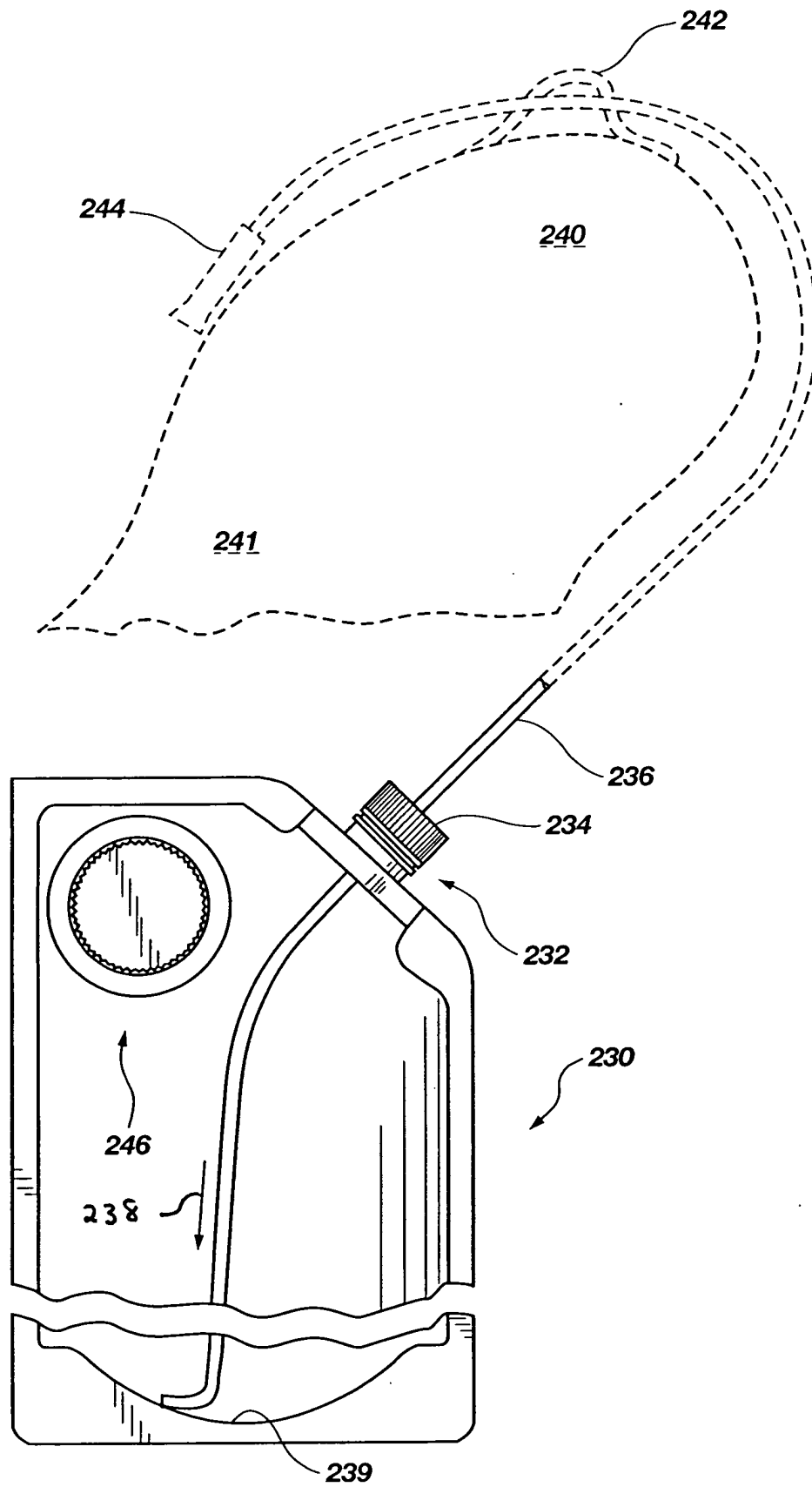


Fig. 10

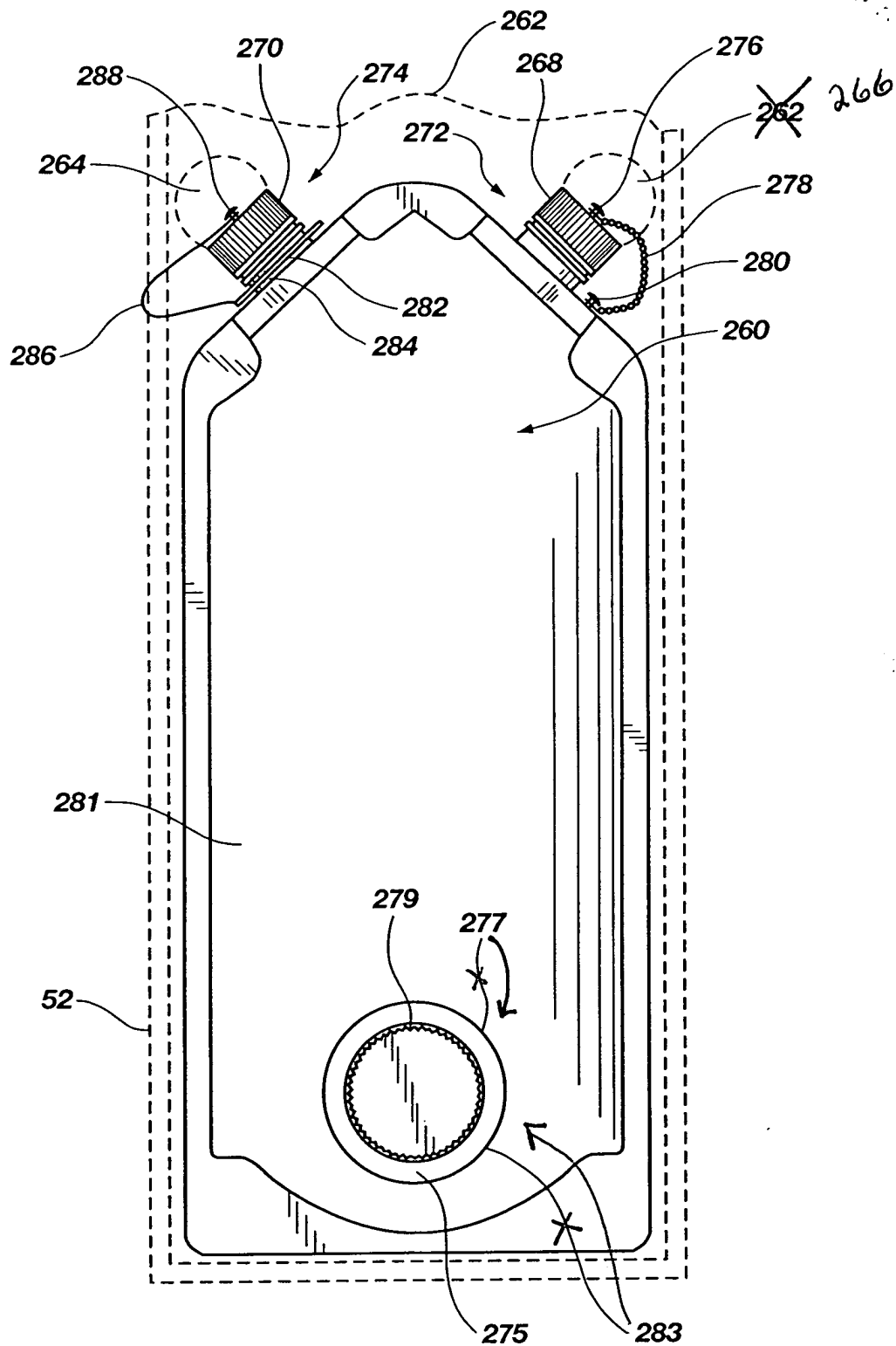


Fig. 12

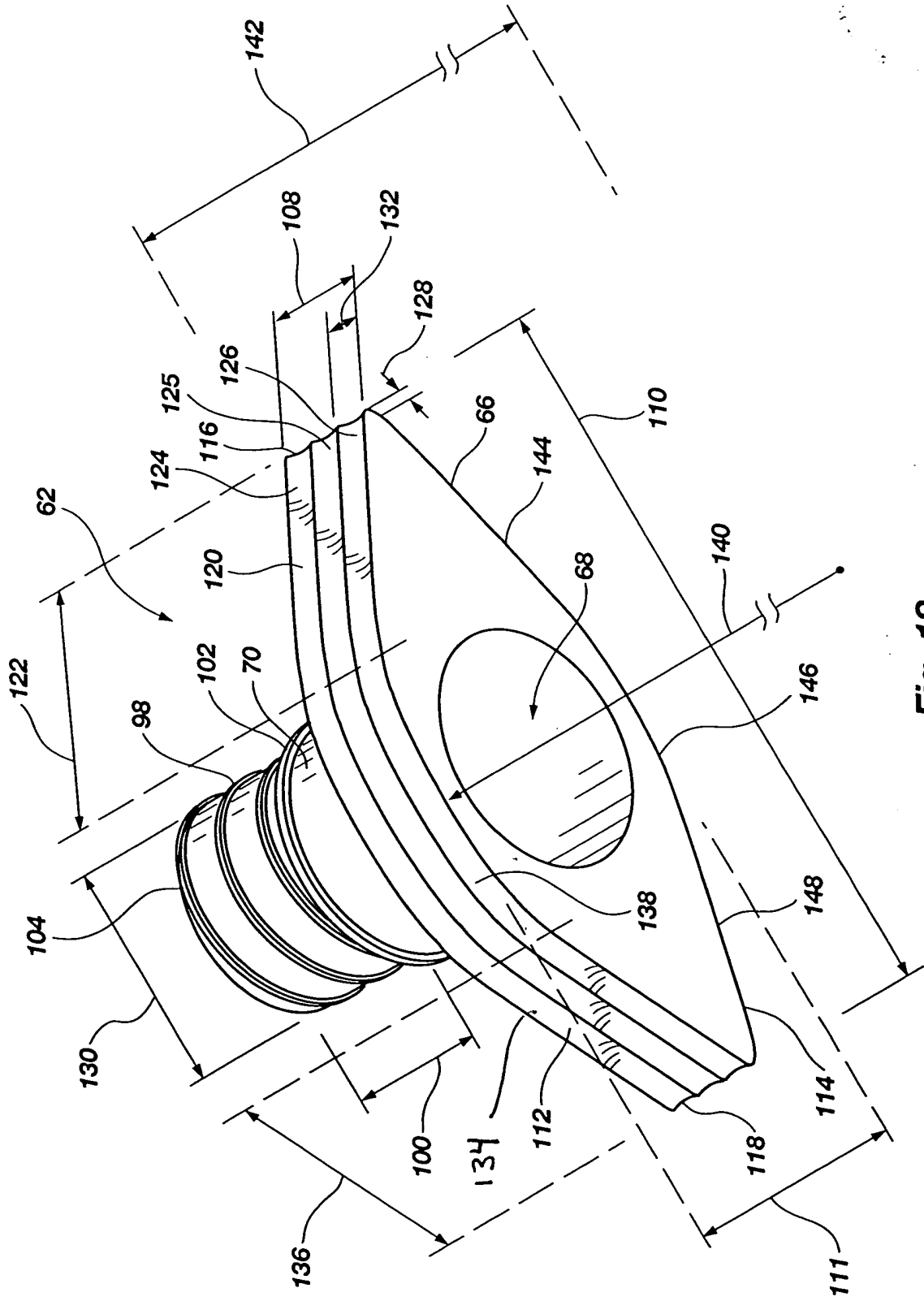
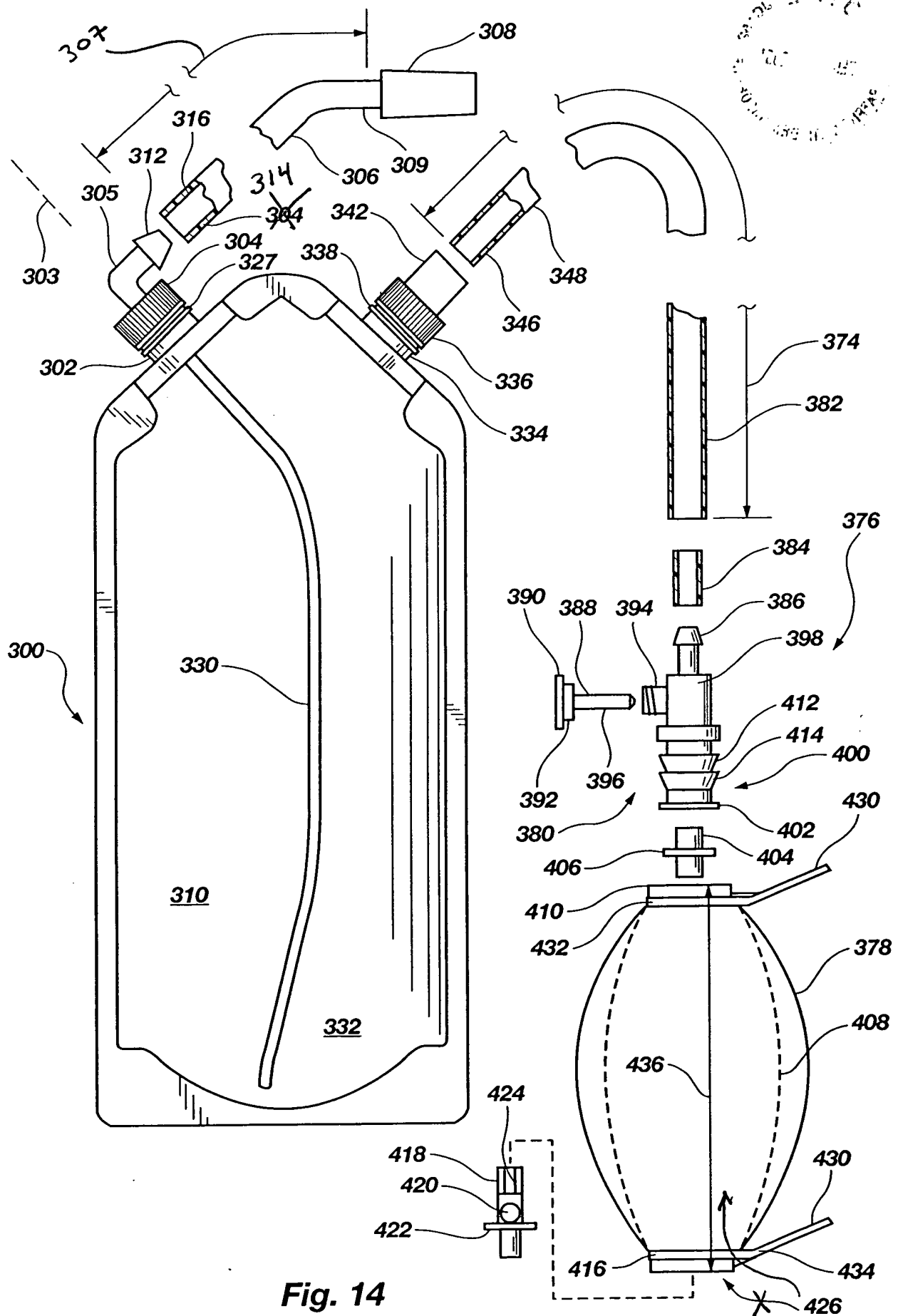


Fig. 13





MARKED-UP COPIES OF AMENDED CLAIMS

(Supplied with Preliminary Amendment responsive to Office Action dated 06/27/01)

In re the Application of: **BROWN, *et al.***

For: **MULTISPOUT FLASK WITH PUMP**

Serial No: 09/871,358

Filing Date: May 31, 2001

(Continuation of Serial No: 09/770,921)

Examiner: PASCUA, J.

Group Art Unit: 3727

Atty. File No.: 45824-01012

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CLAIMS

1. (Amended) A portable flask comprising:
 - a first panel having a first top, a first bottom and a first perimeter, said first panel being formed of a flexible liquid retaining material;
 - a second panel having a second top, a second bottom and a second perimeter, said second panel being formed of a flexible liquid retaining material and being sized to be substantially the same in projection as said first panel;
 - a first spout having a first base with a first aperture formed therein for communicating liquid through said first base, said first base having a first sealing surface for sealing attachment to said first perimeter and a second sealing surface for sealing attachment to said second perimeter;
 - a second spout having a second base with a second aperture formed therein for communicating liquid through said second base, said second base having a first sealing surface for sealing attachment to said first perimeter and a second sealing surface for sealing attachment to said second perimeter; and
 - a perimeter seal formed by joining [at] said first perimeter [of said first panel and at] to said second perimeter [of said second panel , said perimeter seal joining said first perimeter of said first panel to said second perimeter of said second panel] to define a liquid retaining volume, said first spout being sealed in said perimeter seal with said first sealing surface sealed to said first perimeter and with said second sealing surface sealed to said second perimeter, said second spout being sealed in said perimeter seal with said first sealing surface sealed to said first perimeter and with said second sealing surface sealed to said second perimeter.[:]

[a first spout configured for sealing placement in said perimeter seal, said first spout having a first base with a first aperture formed therein for communicating liquid between said liquid retaining volume and exterior of said portable flask; and]

[a second spout configured for sealing placement in said perimeter seal, said second spout having a second base with an aperture formed therein for communicating liquid between said liquid retaining volume and exterior of said portable flask.]

27. (Amended) A portable flask comprising:

a first panel having a top, a bottom and a perimeter, said first panel being formed of a flexible liquid retaining material;

a second panel having a top, a bottom and a perimeter, said second panel being formed of a flexible liquid retaining material and being sized to be substantially the same in projection as said first panel;

a perimeter seal formed about the perimeter of said first panel and said perimeter of said second panel joining said perimeter of said first panel to said perimeter of said second panel to define a liquid retaining volume within said perimeter;

a first spout [configured for sealing placement in said perimeter seal, said first spout] having a first base with an aperture formed therein for communicating liquid between said liquid retaining volume and exterior of said portable flask, said first base having a first outer surface and a second outer surface spaced from said first outer surface with said aperture positioned therebetween, said first outer surface and said second outer surface [each configured to be] being sealed into said perimeter seal between said perimeter of said first

panel and said perimeter of said second panel proximate the top of said first panel and the top of said second panel; and

a second spout [for sealing attachment in] sealingly attached in one of said first panel and said second panel.

32. (Amended) A portable flask assembly comprising:

a first panel having a top, a bottom and a perimeter, said first panel being formed of a flexible liquid retaining material;

a second panel having a top, a bottom and a perimeter, said second panel being formed of a flexible liquid retaining material and being sized to be substantially the same in projection as said first panel;

a perimeter seal formed about the perimeter of said first panel and said perimeter of said second panel joining said perimeter of said first panel to said perimeter of said second panel to define a liquid retaining volume within said perimeter;

a first spout [configured for sealing placement in said perimeter seal, said first spout] having a first base with an aperture formed therein for communicating liquid between said liquid retaining volume and exterior of said portable flask, said first base having a first outer surface and a second outer surface spaced from said first outer surface with said aperture positioned thereinbetween, said first outer surface and said second outer surface [each configured to be sealed into said perimeter seal] being sealed between said perimeter of said first panel and said perimeter of said second panel proximate the top of said first panel and the top of said second panel;

a first cap [sized and configured for sealing removable attachment] removably attached to said first spout to inhibit the movement of liquids between said liquid retaining volume and exterior of said portable flask, said first cap including first tube connection means for connecting a flexible tube thereto to be in communication with said first spout and the interior of said flask to transfer fluids between the interior of said flask and exterior said flask;

a bite valve attached to the distal end of said flexible tube for placement in the mouth of a user , said bite valve being operable between a closed position inhibiting the flow of fluids therethrough and an open position in which fluids are not inhibited from flowing therethrough;

a second spout [for sealing attachment in] sealingly attached to one of said first panel and said second panel;

second cap [sized and configured for sealing removable attachment] removably attached to said second spout to inhibit the movement of liquids between said liquid retaining volume and exterior of said portable flask, said second cap including second tube connection means for connecting a second flexible tube thereto to be in communication with said second spout and the interior of said flask to transfer air between the interior of said flask and exterior said flask; and

pump means attached to the distal end of said flexible tube for pumping air into said interior of said flask.

[33.] 34. (Amended) The portable flask assembly of claim 32 wherein said pump means is a bulb having a side wall defining an interior, a first aperture and a second aperture ,

said side wall being deformable and operable between a first position in which the bulb has a first volume and a second position in which the bulb is deformed to have an interior with a second volume smaller than said first volume, wherein said pump means further includes a valve connected between said bulb and said distal end of said second tube, said valve being operable between an open position to allow fluid therepast and a closed position inhibiting the flow of fluid therepast, wherein said bulb has a first aperture for connecting to said valve and a second aperture, and wherein a check valve is connected to said second aperture, said check valve being operable between an open position by which fluid may pass therethrough from exterior said bulb to interior said bulb and a closed position to inhibit the flow of fluid from interior said bulb to exterior said bulb.

(Cancelled) 34. The ornamental design for a flask as shown and described in FIGS. 1-12.

36. (New Claim) A portable flask comprising:
a first panel having a first top, a first bottom and a first perimeter, said first panel being formed of a flexible liquid retaining material;
a second panel having a second top, a second bottom and a second perimeter, said second panel being formed of a flexible liquid retaining material and being sized to be substantially the same in projection as said first panel;
a perimeter seal formed at said first perimeter of said first panel and at said second perimeter of said second panel, said perimeter seal joining said first perimeter of said first panel to said second perimeter of said second panel to define a liquid retaining volume;

first spout means for communicating liquid between said liquid retaining volume and exterior of said portable flask, said first spout means being sealingly positioned in said perimeter seal; and

second spout means for communicating liquid between said liquid retaining volume and exterior of said portable flask, said second spout means being sealingly positioned in said perimeter seal.



MARKED-UP COPIES OF REPLACEMENT PARAGRAPHS

(Supplied with Preliminary Amendment responsive to Office Action dated 06/27/01)

In re the Application of: **BROWN, *et al.***

For: **MULTISPOUT FLASK WITH PUMP**

Serial No: 09/871,358

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Replacement Paragraph 1 (page 15, lines 4-14)

The flask 10 has a top 80 which extends between the sides 48 and 50. It is formed from and with the first panel 11 and the second panel 12. The top 80 as better seen in FIGS. 1, 1A and 2 is triangular in appearance with a first section 82 extending from side 48 to middle section 84 a distance 86 at an angle 88 which is here shown to be about 45 degrees. The angle 88 may be from about 30 degrees to about 60 degrees. The top 80 has a second section 90 which extends from the side 50 to the middle section 84 a distance 92 which is preferably the same as distance 86 and at an angle 94 which is selected to be the same as angle 88. Thus the top 80, in side view as depicted, may be likened to an isosceles triangle with sections 82 and 90 as the legs and an imaginary line between the sides 48 and 50 at their intersection with the sections 82 and 90 as the [hypotenuse] base.

Replacement Paragraph 2 (page 16, lines 7-18)

The length 122 and the width or height 108 of the first part 120 is selected to provide sufficient surface to effect a good mechanical bond or seal to hold the first panel 11 or second panel 12 thereto. The length or distance 122 may be from about one-half an inch to about two inches but is here selected to be about one inch. The distance 122 of one inch has been found to be suitable for a spout 62 having [width] a length 110 of about two inches to three inches and specifically about two and three eighths inches. Such a spout may have a neck 70 which is circular in cross section with an inside diameter 130 of about three fourths of one inch. The grooves 124-126 all have about the same width 132 with the height 108 in total being from about three eighths of one inch to one inch with a preferred height 108 of about seven sixteenths of one inch. The depth 128 of each groove may vary but are here all the same and may be from about

one millimeter to about three millimeters with the depth 128 of about two millimeters being preferred.

Replacement Paragraph 3 (page 17, line 12 to page 18, line 7)

In FIG. 2, it can be seen that section 82 is sized in length 86 to receive the second spout 64 between the first panel 11 and the second panel 12 along the perimeter seal 36. In the illustrated flask 10, the spout 64 is sized in length 150 the same as the length 110 of the first spout 62. When the second spout 64 is sealed into place in the section 82, an upper extension 152 and a lower extension 154 are formed so that each is sized in length 156 and 158 respectively about the same. The lengths 156 and 158 are selected to provide a secure connection or seal area extending from the second spout [162] 64. That is, the spout 64 transmits torques or forces to the perimeter seal 36. For example, rotating the cap 78 on and off creates torque or forces. Various other forces may be applied to the neck 76. The torques or forces can act to urge the first panel 11 away from the second panel 12. It has been found that forming the upper extension 152 and a lower extension 154 to be sized in length 156 and 158 respectively from about one-half inch to about one and one-half inches stabilizes the perimeter seal 36 and limits the risk of damage to the perimeter seal 36 along the second section 82 from the torques or forces that are from time to time transmitted to the perimeter seal 36 by the second spout 64. Sizing the upper extension 152 and the lower extension 154 to be about three fourths of an inch has been found to be suitable for a spout 64 having an overall length [110] 150 of about two and three eights of an inch and a width [111] 113 (as shown in FIG. 3) of about one and one eighth of an inch.

Replacement Paragraph 4 (page 19, lines 4-5)

It may be noted that the perimeter seal 36 of depth 38 is greater at the corners [169] 168 - 171 because the corners are believed to receive the greatest structural stress in use.

Replacement Paragraph 5 (page 19, lines 9-16)

FIGS. 7 and 8 show a flask 180 made in a manner comparable to the flask 10 of FIG. 1. It has front panel 182 and a back panel 184 with a bottom panel 186 assembled substantially as described. The upper portion 188 is formed to have a first section 190 extending away from the right side 192 at an angle 194 from about 30 degrees to about 60 degrees and preferably about 45 degrees to intersect a top section 196. The top section 196 intersects the left side 198 at a right angle 200 as shown but may intersect at any angle 200 from fifteen degrees to substantially more than 90 degrees and as much as 150 degrees.

Replacement Paragraph 6 (page 19, line 17 to page 20, line 9)

In FIGS. 7 and 8, a first spout 202 is shown which is the same in size and shape as the spout 62 shown in FIG. 13. It is positioned in the first section 190 of the perimeter 191 and sealed between the front panel 182 and the rear panel 184 with extensions 204 and 206 formed and sized in length [206] 207 and 208 to be substantially the same for the reasons as stated in reference to extensions 152, 154, 160 and 162 shown in FIG. 2. A second spout 210 is shown positioned in the front panel 182 sealed to and in the front panel 182. The second spout 210 has a base 212 which is connected to the front panel 182 by an adhesive, by heat sealing or by a mechanical seal, as may be desired. The second spout 210 has a cap 214 which is threaded onto the neck 216 of the second spout 210 to effect a seal comparable to that shown in FIG. 13 for the spout 62. The cap 214 may be attached by other means to form a friction seal or any other kind of seal effective to retain the liquid in the interior of a flask or other container. The second spout 210 has a neck 216 substantially circular in cross section with a diameter 218 selected to pass ice

or other selected solid material that is larger in cross section or shaped so that it may not fit through the neck 211 of the first spout 202.

Replacement Paragraph 7 (page 20, lines 10-12)

FIG. 9 shows a flask 220 shaped and sized comparable to flask 180 with a portion 222 shown in phantom to reflect that the flask may have differing lengths [222] 224 and widths [224] 226.

Replacement Paragraph 8 (page 21, lines 7-11)

Notably the second spout 246 is comparable to spout 210 and is positioned near the top of the flask 230 to receive liquids without the need to remove the cap 234 for access and to insert ice cubes. Thus a user need not remove the cap 234 and the transport tube 236 to insert liquids or other materials such as ice, and thereby run the risk of contaminating the cap 234 and the tube 236 from contact or association with other surfaces.

Replacement Paragraph 9 (page 25, lines 1-6)

The tube 306 as shown may vary in length 307 so that the flask 300 may be positioned where desired. Thus the tube 306 may be sized to extend from the area of a backpack over the shoulder of the user and around the collar area with the distal end 309 having the bite valve attached thereto so that the user can, when desired, insert the bite valve 308 into his or her mouth and operate it by clamping down and releasing the [use's] user's jaw.

Replacement Paragraph 10 (page 25, lines 7-14)

FIGS. 14 and 15 also show the second spout 334 having a second cap 336 threadedly connected to the spout 334. The spout 334 has threads 338 that mate with cap threads 340 to effect the threaded connection. Connector means is associated with the cap 336 so that liquids and more specifically air can be communicated through the cap 336. The connector means here

shown is air connector 342 which is here formed with an aperture 344 sized to snugly receive the proximal end 346 of tube 348. An adhesive is preferably provided to ensure there is a secure and air-tight connection between the proximal end [344] 346 and the aperture 344.

Replacement Paragraph 11 (page 26, lines 1-11)

The air connector 342 has a flange 358 that has an upper surface 360 for mating snugly with the undersurface [362] 366 of the top 364 of the second cap 336. Thus a seal is effected between and by the undersurface [362] 366 and the upper surface 360 of the flange 358. Specifically both are made of materials that can effect the seal such as plastics or plastic-like materials (e.g., nylon, nylon compositions, Teflon® , polyurethane and the like). Of course the flange 358 has an undersurface [366] 360 that mates with the top rim or edge of the spout 334. The undersurface [366] 360 can also deform to effect a seal when the upper rim or edge of the spout 334 has imperfections that would otherwise allow for some leakage. The air connector 342 has an interior channel 368 into which a short extension 370 is optionally connected to present a distal end 372 away from the threads 340.

Replacement Paragraph 12 (page 27, lines 1-9)

The pump assembly 376 here shown includes a pump mechanism which is the bulb 378 that connects to a valve structure 380. The valve structure 380 attaches to the distal end 382 of the tube 348. A small piece of tubing 384 is provided made of material similar to the tube 306. It simply functions as an adaptor to accommodate for the differences in size between the tube 348 and the barbed connector 386 of the valve structure. The valve structure 380 has a valve stem 388 that has a top 390 operable by the fingers of a user. The valve stem [338] 388 has a threaded collar 392 that connects to a threaded neck 394 so that the tip 396 can be urged against an internal valve seat in the valve body 398.

Replacement Paragraph 13 (page 28, line 17 to page 29, line 3)

In operation, it can be seen that the user would place the valve [480] 380 in an open position by operating the handle 390. Then the bulb 378 is manipulated repetitively to pump air into the interior 310 of the flask 300. The check valve 418 operates to inhibit the movement of air out of assembly when the interior pressure within the interior 426 of the bulb 378 exceeds atmospheric pressure. When the bulb 378 is in the second position 408 and released, a pressure below ambient will draw air from the tube 348 and from exterior the bulb 378 through check valve 418 to fill the bulb 378. The valve 380 can be adjusted to reduce the return of air from the tube 348 and also to seal the tube and retain the air in the flask 300 at the pressure then obtained.